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Fresno, California

June 14, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Andy Souza, City Manager
 Hilda Cantu Montoy, City Attorney
 Becky Klisch, City Clerk
 Yolanda Salazar, Assistant City Clerk

Pastor Keith Catron, Evangelical Free/Fresno Deaf Church, gave the invocation in sign language with Nancy Canta interpreting, and President Dages led the Pledge of Allegiance.

AWARDS TO THE CITY OF FRESNO CHAMPION BASEBALL TEAM - COUNCILMEMBER BOYAJIAN

Presented.

PROCLAMATION OF BREAK THE BARRIERS DAY - PUBLIC UTILITIES GOLF COMMITTEE

Read and presented.

RECOGNITION OF THE PARKS AND RECREATION DEPARTMENT FOR THEIR HELP ON THE PENTATHLON ADVENTURE EVENT - FRESNO COUNTY OFFICE OF EDUCATION'S DEPARTMENT FOR SAFE AND HEALTHY KIDS

Recognized.

PROCLAMATION OF JUNETEENTH DAY - COUNCILMEMBER STERLING

Read and presented.

ADD ON: PROCLAMATION OF FRESNO SURVIVORS OF SUICIDE LOSS DAY - COUNCILMEMBER CALHOUN

Read and presented.

APPROVE MINUTES OF JUNE 7 AND 9, 2005:

On motion of Councilmember Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the minutes of June 7 and 9, 2005, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

REQUEST CITY ATTORNEY LOOK INTO ICE CREAM TRUCK VENDORS SELLING REALISTIC TOY PELLET GUNS AS REPORTED ON CHANNEL 47 NEWS, AND REPORT BACK AS SOON AS POSSIBLE - COUNCILMEMBER DUNCAN

Request made with Councilmember Duncan expressing his concern stating vendors will be in neighborhoods all summer long and also requested the city attorney look at an emergency ordinance declaring the sales illegal.

SAN JOAQUIN VALLEY LATINO/CHICANO YOUTH INSTITUTE EVENT - COUNCILMEMBER STERLING

Councilmember Sterling advised she was a host and facilitator at the event this past weekend and thanked and commended her staff and all participants involved for a successful event.

APPROVE AGENDA:

(11:00 A.M.) DISCUSSION AND DETERMINATION OF PROPOSED BALLOT MEASURES TO AMEND THE CITY CHARTER - COUNCILMEMBER DUNCAN

- A. RESOLUTION - SUBMITTING A PROPOSED CHARTER AMENDMENT TO CITY ELECTORS AUTHORIZING THE MAYOR TO VETO AMENDMENTS TO THE 2025 FRESNO GENERAL PLAN (WITH APPROPRIATE OVERRIDE ABILITY)
- B. RESOLUTION - SUBMITTING A PROPOSED CHARTER AMENDMENT TO CITY ELECTORS TO REPEAL CHARTER SECTION 1504 RELATING TO THE (AUTOMATIC) EXPANSION OF THE NUMBER OF CITY COUNCIL MEMBERS

Councilmember Duncan advised at the scheduled time he would present item B before A.

(9:15 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

- A. CONSIDER MATTERS REGARDING TRAFFIC LIGHT IMPROVEMENTS AT BUTLER AND CHESTNUT AVENUES IN THE SOUTHEAST FRESNO REVITALIZATION REDEVELOPMENT PROJECT AREA
 - 1. JOINT RESOLUTION - MAKING CERTAIN FINDINGS PURSUANT TO COMMUNITY REDEVELOPMENT LAW AND AUTHORIZING THE INSTALLATION OF PUBLIC IMPROVEMENTS FOR BUTLER/CHESTNUT TRAFFIC SIGNAL MODIFICATION
 - 2. AWARD A CONTRACT TO PRESTIGE ELECTRIC CORPORATION FOR THE MODIFICATION OF TRAFFIC SIGNALS AT BUTLER AND CHESTNUT AVENUES (*COUNCIL AND AGENCY ACTION*)

City Clerk Klisch advised item #2 was for Agency action only and was *not* subject to the Mayor's veto. So noted and corrected.

(B) JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY - PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT - GOVERNMENT CODE SECTION 54957 - TITLE: REDEVELOPMENT AGENCY DIRECTOR - COUNCILMEMBER CALHOUN

City Attorney Montoy advised the wrong code section was given as listed above, stated under the Brown Act the appropriate code section had to be listed on the agenda before the bodies could meet, and apologized and requested the matter be continued one week.

(5:00 P.M.) TRIMESTER PLAN AMENDMENT HEARINGS

(A) CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-03-05, REZONE APPLICATION NO. R-03-30, CONDITIONAL USE PERMIT APPLICATION (CUP) NO. C-03-82 AND ENVIRONMENTAL FINDINGS, FILED BY DERREL'S MINI STORAGE, PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. TEMPERANCE AND THE E. DAKOTA AVENUE ALIGNMENT. THE PROJECT ALSO INCLUDES THE DETACHMENT OF THE SUBJECT PROPERTY FROM THE KINGS RIVER CONSERVATION DISTRICT AND FRESNO COUNTY FIRE PROTECTION DISTRICT AND ANNEXATION TO THE CITY OF FRESNO IN WHICH LAFCO IS THE RESPONSIBLE AGENCY - PROPERTY LOCATED IN DISTRICT 4
(REQUEST CONTINUANCE TO JUNE 28, 2005)

-AND-

(B) CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-04-09, REZONE APPLICATION NO. R-04-29, CONDITIONAL USE PERMIT (CUP) APPLICATION NO. C-04-71 AND ENVIRONMENTAL FINDINGS, FILED BY DERREL'S MINI STORAGE, PROPERTY LOCATED ON THE SOUTH SIDE OF W. SHAW BETWEEN N. POLK AND N. HAYES AVENUES (APNs 311-140-34 AND 35 LOCATED IN DISTRICT 2) **(REQUEST CONTINUANCE TO JUNE 28, 2005)**

Both items continued as requested.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the **AGENDA** hereby approved as modified, by the following vote:

145-221

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Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

ADOPT CONSENT CALENDAR:

(2 - 0) Councilmember Boyajian pulled items **1-L** and **1-O**, Councilmember Calhoun pulled items **1-A** and **1-F**, and Councilmember Westerlund pulled item **1-H** from the consent calendar for discussion.

(1-B) AWARD A CONTRACT IN THE AMOUNT OF \$126,540 TO A-C ELECTRIC FOR TRAFFIC SIGNAL INSTALLATION AT THE INTERSECTION OF PERRIN AND GRANVILLE AVENUES

(1-C) AWARD A CONTRACT TO AMERICAN PAVING COMPANY IN THE AMOUNT OF \$168,585 FOR BUTLER AND ORANGE AVENUES INTERSECTION IMPROVEMENTS

(1-D) AWARD A CONTRACT TO AMERICAN PAVING COMPANY IN THE AMOUNT OF \$818,357.70 FOR THE BASE BID AND THE ADD ALTERNATE BID FOR INTERSECTION IMPROVEMENTS AT SHAW AND WEST AVENUES, AND A BUS BAY AT SHAW AND FELAND AVENUES

(1-E) AWARD A CONTRACT TO GEORGE DAKOVICH & SON, INC. IN THE AMOUNT OF \$107,477 FOR SEVEN (7) NEW ACCESS STRUCTURES (MANHOLES) FOR THE WASTEWATER COLLECTION SYSTEM PIPELINE

(1-G) AWARD A CONTRACT TO ZUMAR INDUSTRIES IN THE AMOUNT OF \$261,099.53 FOR REFLECTIVE SHEETING TRAFFIC AND STREET NAME SIGNS

(1-I) RESOLUTION NO. 2005-214 - AUTHORIZING THE POLICE CHIEF TO ENTER INTO AN AGREEMENT WITH THE CALIFORNIA HIGHWAY PATROL FOR \$5,000 FOR THE CHP's ILLEGAL STREET RACING ENFORCEMENT PROJECT THROUGH GRANT FUNDING FROM THE OFFICE OF TRAFFIC SAFETY (OTS) AND COMPLETE ALL PROGRAM DOCUMENTS

(1-J) APPROVE THE SALE OF A PARCEL LOCATED AT THE SOUTHEAST CORNER OF VAN NESS AVENUE AND INYO STREET TO UNITED SECURITY BANK FOR THE APPRAISED VALUE OF \$570,000 AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE A GRANT DEED AND ALL DOCUMENTS TO COMPLETE THE TRANSACTION

(1-K) APPROVE AN AGREEMENT WITH STANTEC CONSULTING FOR PROFESSIONAL ENGINEERING SERVICES TO DESIGN, PREPARE CONTRACT DOCUMENTS AND PROVIDE SPECIAL INSPECTION FOR THE COLD IN PLACE PAVEMENT RECYCLING ON WHITESBRIDGE, AMADOR, A, B, STANISLAUS AND TUOLUMNE STREETS FOR \$65,970, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE THE AGREEMENT ION BEHALF OF THE CITY

(1-M) APPROVE A LEASE AGREEMENT WITH THE COUNTY OF FRESNO FOR COUNTY-OWNED PROPERTY ON WHICH A FEEDER-TRAIL WILL BE CONSTRUCTED FROM THE GRANVILLE HOMES, INC. COPPER RIVER DEVELOPMENT SITE TO THE LEWIS S. EATON TRAIL, WHICH IS PART OF THE SAN JOAQUIN RIVER PARKWAY

1. AUTHORIZE THE DIRECTOR OF PARKS, RECREATION AND COMMUNITY SERVICES OR DESIGNEE TO EXECUTE THE LEASE AGREEMENT INCLUDING BUT NOT LIMITED TO SUBSEQUENT AMENDMENTS REQUIRED TO IMPLEMENT AND CARRY OUT THE PURPOSE SPECIFIED IN THE AGREEMENT, ALL SUBJECT TO PRIOR APPROVAL AS TO FORM BY THE CITY ATTORNEY'S OFFICE

(1-N) RESOLUTION NO. 2005-215 - APPROVING THE FINAL MAP OF TRACT NO. 5396 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, WEST SIDE OF . BRYAN BETWEEN W. BULLARD AND W. BARSTOW AVENUES

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE

2. AUTHORIZE THE FIRE CHIEF TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT REQUIRING CERTAIN FIRE PROTECTION TO BE PROVIDED AND MAINTAINED

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3. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS ACKNOWLEDGING RIGHT-TO-FARM LAW

(1-P) APPROVE A CONSTRUCTION AND DEMOLITION DIVERSION ORDINANCE

1. **BILL NO. B-50 - ORDINANCE NO. 2005-62** - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO SOLID WASTE

On motion of Councilmember Westerlund, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

CONTESTED CONSENT CALENDAR ITEMS:

(1-A) AWARD A CONTRACT TO BMF CONSTRUCTION FOR INSTALLATION OF A 16" WATER MAIN IN E. SHIELDS AND N. CLOVIS AVENUES

Street Maintenance Supervisor Bullis and City Manager Souza responded to questions of Councilmember Calhoun relative to the Engineer's estimate being outdated, the lowest bid being 43% above the Engineer's estimate because of the old estimate, why an estimate is even used if it is old, who provides the estimate, if funds were available, and if the Engineer should know the scope of work/conditions below the street.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, a contract in the amount of \$184,870 hereby awarded to BMF Construction for installation of a 16" water main in E. Shields and N. Clovis Avenues, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

(1-F) RESOLUTION - AWARDING A CONTRACT FOR AN ALTERNATIVE BID TO COMPLETE CONSTRUCTION OF HVAC MODIFICATIONS AT PARKING GARAGE NO. 9 IN SEVENTY (70) WORKING DAYS

1. AWARD A CONTRACT TO PATTON SHEET METAL WORKS, INC. DBA PATTON AIR CONDITIONING FOR HVAC MODIFICATIONS AT PARKING GARAGE NO. 9

Transportation Affairs Manager Madewell responded to questions of Councilmember Calhoun and clarified issues relative to whether the parking division move was due to accessibility complaints or space needs, what the benefit would be to the city, exact location of the facility, if adequate/accessible parking was/available there, how the public will be informed of the move, if the move will generate complaints from the public, concern with the \$16,000-\$20,000 cost to have the division opening one month sooner, and if this was an emergency situation.

Councilmember Calhoun made a motion to approve Alternative B (to complete the work within 120 working days versus 70 working days and not pay the additional cost), which motion died for lack of a second. Councilmember Westerlund questioned if the contract would be jeopardized by delaying action one week, with Purchasing Manager Smith stating the bid could be extended, whereupon Councilmember Westerlund made a motion to table the matter so he could visit the site. Ms. Smith also noted a revised resolution would have to come back if Council approves Alternative B. Councilmember Sterling seconded the motion to table and upon question President Dages clarified Councilmember Calhoun's motion did not receive a second. Councilmember Boyajian seconded Councilmember Calhoun's motion but it was deemed too late.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, Item 1-F tabled one week, by the following vote:

145-223

6/14/05

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

City Manager Souza clarified issues relative to the two alternatives and City Attorney Montoy stated her office would recommend that staff show both alternatives on the agenda.

At this point contested consent calendar proceedings were interrupted to address the following time-scheduled matter.

(9:30 A.M.) INTRODUCTION OF FRESNO CITIZEN CORP AND AMERICORPS PROGRAMS AND VOLUNTEERS

1. PROCLAMATION OF "FLAG DAY AND CITIZENS CORPS COMMUNITY PREPAREDNESS DAY 2005" - MAYOR AUTRY

Pete Weber, Chair of Fresno Citizen Corp, spoke to Flag Day and the Citizen Corp, Carla Glazebrook gave a PowerPoint presentation on Fresno Citizen Corp and its achievements, Fresno Citizen Corp members came up to the podium and introduced themselves, and the proclamation was read and presented. Councilmember Perea briefly left the meeting at 9:56 a.m.

Proceedings continued on contested consent calendar items.

(1-H) AWARD A REQUIREMENTS CONTRACT TO SIEMENS ENERGY & AUTOMATION, INC. FOR 4", 6", 8", 10", 12", 14" AND 16" MAGNETIC FLOW METERS

Interim Public Utilities Director Weimiller and City Attorney Montoy clarified issues and responded to questions of Councilmember Westerlund relative to local preference and why it did not apply in this case.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, a one year requirements contract with provisions for two one-year extensions hereby awarded to Siemens Energy & Automation in the amount of \$117,550 to provide the magnetic flow meters, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Sterling, Westerlund, Dages
 Noes : None
 Absent : Perea

Councilmember Perea returned to the meeting at 10:02 a.m.

(1-L) RESOLUTION NO. 2005-216 - AUTHORIZING THE DIRECTOR OF PARKS, RECREATION & COMMUNITY SERVICES TO APPLY FOR AND ACCEPT SPONSORSHIP DONATIONS AND GRANTS FOR THE FRESNO BUSINESS EDUCATION SERVICE TRAINING ("BEST") AFTER SCHOOL PROGRAM AND EXECUTE ALL NECESSARY DOCUMENTS

1. RESOLUTION NO. 2005-217 - 90TH AMENDMENT TO AAR 2005-209 APPROPRIATING \$1,200 RECEIVE AS A DONATION FROM PG&E TO BE USED FOR THE "BEST" PROGRAM

Parks & Recreation Director Cooper and City Manager Souza responded to questions of Councilmember Boyajian and/or clarified issues relative to how the \$1,200 would be used, if the money was going to the Pacific Institute, who chose the Pacific Institute to receive the grant money, the BEST program, and why the Pacific Institute was chosen.

(3 - 0) On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-216 and 2005-217 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None

Absent : None

(1-O) AWARD AN INDEPENDENT AUDIT CONTRACT TO McGLADREY & PULLEN, LLP, AND AUTHORIZE THE CONTROLLER TO NEGOTIATE AND EXECUTE THE CONTRACT FOR SERVICES

145-224

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Interim Controller/Finance Director Bradley and Interim City Manager Quinto responded to questions and comments of Councilmember Boyajian relative to whether anyone responded to the RFP, which accounting firms the RFP went out to, if a price range was part of the RFP, term of the contract, a comment from a firm that staff wanted a local firm, how the fees were chosen, and the process and firm chosen not making any sense. Councilmembers Sterling and Westerlund thanked staff for the information they received and Councilmember Sterling added a good process was undertaken. A motion and second was made to approve staff's recommendation. Upon the request of City Attorney Montoy, Ms. Bradley clarified staff's recommendation was for a two year contract with two (2) one-year extensions if Council so chooses. President Dages also thanked staff for meeting with him and explaining the matter.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, a contract hereby awarded to McGladrey & Pullen, LLP, to be the City's independent outside auditor for the fiscal years ending June 30, 2005 and 2006 at a not-to-exceed fee for the audit services (exclusive of direct expenses, i.e., lodging and subsistence) in the amount of \$220,000 and \$231,000 respectively, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : Boyajian
 Absent : None

RECESS - 10:22 A.M. - 10:30 A.M.

(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:

Upon call, no one wished to be heard.

(9:45 A.M.) CONSIDER APPROVAL FOR A COUNCIL OVERRIDE VOTE OF ORDINANCE NO. 2005-44, AMENDING THE FRESNO MUNICIPAL CODE RELATING TO PERMISSIBLE GAMES IN A CARD ROOM, VETOED BY MAYOR AUTRY ON MAY 16, 2005 - COUNCILMEMBER STERLING

Councilmember Sterling reviewed the history of the issue, spoke to Club One owner George Serrantos' contributions to the community and involvement in charitable organizations, stressed this would not expand gambling but would do away with the red tape and bureaucracy and added it was a housekeeping matter, and made a motion to override the Mayor's veto, which motion was seconded and later acted upon.

Attorney Lowell Carruth, representing Club One, urged support for the motion stating the ordinance would not expand gambling and explained, and spoke further to what the ordinance would provide for.

Lengthy discussion ensued with City Manager Souza clarifying the Mayor's position on the matter, all as contained in the Mayor's veto message as submitted, and council members speaking to the issue and stating their positions and reasons therefor with Councilmember Duncan speaking in support of the motion, Councilmember Boyajian speaking in opposition, President Dages speaking in support, and Councilmember Westerlund speaking in support. Councilmember Sterling spoke further to the issue stating Council needed to look at affording citizens all options, Council would have input if conflicts arise, reiterated this would eliminate the red tape, stressed Club One made significant contributions to the community in many areas, and stated Council did not need to be afraid to be progressive and needed to be team players and business-friendly. Mr. Souza added vetoes were not something the Mayor takes lightly, stated the Charter required the Mayor to veto an issue if he disagrees with it, and clarified should a game issue arise the police chief would discuss it with him and not the Mayor as the Mayor does not give direction to the police chief or any other department director.

A motion of Councilmember Sterling, seconded by Councilmember Duncan, to override the Mayor's veto of Ordinance No. 2005-44 failed, due to the need for five affirmative votes, by the following vote:

Ayes : Duncan, Sterling, Westerlund, Dages

Noes : Boyajian, Calhoun, Perea
 Absent : None

145-225

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CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - CASE NAMES:

1. CITY OF FRESNO V. MARK RENNA

2. CITY OF FRESNO V. SUSAN BOSIN, CHARLES PARRISH, MARVIN AHISTRANS, MARK PETERSON, BAYILLER BAR-CER, CARMEN LEON, JANE McHANEY, JOE MALDONADO, CHOU LEE, HOPE MEJUGAS, ISRAEL IBARRA, LEO KELLER, GINA KENNEDY, LINDA BROWN-WESTMORELAND, JERRY CRUZ, SCOTT BOURBON, ROBERT MENDES, HOMER MENDIOLA, EDWARD MORENO, VET CHONG, MARIAN APPLEWHITE, KAREN APPLEWHITE, RICHARD LOPEZ, PHAY SOK, GINA CAMACHO, ABEL GARCIA JR., MON NEANG, SARIN MEN, THOEUN CHHUON, JASON KALPAKOFF, YOLANDA THOMPSON, JESSE LOPEZ, JANET CARLISLE, DAVID REEDER, S. VONGSENGKEO, EDITH HARRIS, PRIMO WHEEL, BERT ROBBINS AND FAHRAD MONEM

The City Council met in closed session in Room 2125 at the hour of 10:56 a.m. to consider the above matters and reconvened in regular open session at 11:19 a.m.

(9:15 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 11:19 a.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF JUNE 7, 2005

On motion of President Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Agency minutes of June 7, 2005, approved as submitted.

("A") CONSIDER MATTERS RELATING TO TRAFFIC LIGHT IMPROVEMENTS AT BUTLER AND CHESTNUT AVENUES IN THE SOUTHEAST FRESNO REVITALIZATION REDEVELOPMENT PROJECT AREA

1. JOINT RESOLUTION NO. 2005-218/1662 - MAKING CERTAIN FINDINGS PURSUANT TO COMMUNITY REDEVELOPMENT LAW AND AUTHORIZING THE INSTALLATION OF PUBLIC IMPROVEMENTS FOR BUTLER/CHESTNUT TRAFFIC SIGNAL MODIFICATION

2. AWARD A CONTRACT TO PRESTIGE ELECTRIC CORPORATION FOR THE MODIFICATION OF TRAFFIC SIGNALS AT BUTLER AND CHESTNUT AVENUES (AGENCY ACTION)

Interim Executive Director Murphey reviewed the issue as contained in the staff report as submitted and recommended approval. President Dages stated this was a project that has been desperately needed for some time and explained and made a motion to approve staff's recommendation, which motion was seconded and later acted upon.

Councilmember Calhoun spoke to how these safety-type projects are near and dear to all council members and their districts and presented questions and comments at length relative to RDA funds paying for the project, (**4 - 0**) how this corner rated spending over \$140,000, need for a prioritization process to compete for funds, suggestion for a delay to receive a list of RDA infrastructure projects and priorities, how this project "jives" with city priorities, the resolution stating the project did not rate high for city funds, how the city and RDA work together on projects, and how the project ranked for city funding, with Ms. Murphey, Traffic Engineering Manager Benavides, President Dages and City Manager Souza responding throughout. Councilmember Calhoun stated this was a fairness issue and he did not see the need as this was a residential corner. Ms. Murphey and President Dages responded to questions/comments of Councilmember Boyajian relative to this being a long-standing project and being included in the last five budgets, what the criteria was to meet warrants, if project/engineering plans were complete, if the RDA had a priority list, if this project was part of improvements for the area, rankings, and who initiated the project.

On motion of President Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Joint Council/Agency Resolution No. 2005-218/1662 hereby adopted, and a contract awarded to Prestie Electric Corporation in the amount of \$142,094.00 for the project, by the following vote:

Ayes : Dages, Duncan, Perea, Sterling, Westerlund, Boyajian
Noes : None
Absent : None
Abstain : Calhoun

145-226

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("B") APPROVE A TWELVE (12) MONTH EXCLUSIVE NEGOTIATION AGREEMENT BETWEEN THE AGENCY, CITY OF FRESNO AND KINGS CANYON DEVELOPMENT, LLC (FORMERLY KNOWN AS ASIAN VILLAGE SHOPPING CENTER GROUP), CONCERNING A PROPOSED MIXED-USE REDEVELOPMENT PROJECT ON PROPERTY WITHIN THE SOUTHEAST FRESNO REVITALIZATION PROJECT AREA

1. AUTHORIZE THE INTERIM EXECUTIVE DIRECTOR AND DESIGNATED STAFF TO INITIATE THE OWNER PARTICIPATION PROCESS AND PREPARE ANY DOCUMENTS AND TAKE OTHER ACTIONS NECESSARY TO CARRY OUT THE AGENCY'S OBLIGATIONS UNDER THE AGREEMENT (AGENCY ACTION)

Interim Executive Director Murphey reviewed the issue as contained in the staff report as submitted and recommended approval.

President Dages advised he had met with the developer a number of times on this project and they were anxious to get started, stated the area was somewhat blighted and this was going to be a great opportunity for southeast Fresno adding the project would rival Eastgate, and made a motion to approve staff's recommendation.

On motion of President Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the twelve (12) month Exclusive Negotiation Agreement (ENA) hereby approved, staff authorized to initiate the owner participation process, and the Interim Executive Director and designated Agency staff authorized to prepare any documents and take any other steps necessary to carry out the Agency's obligation under the ENA, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Weterlund, Boyajian
Noes : None
Absent : None

The joint bodies adjourned their meeting at 11:44 a.m. and the City Council reconvened in regular session.

(10:00 A.M.) PRESENTATION BY THE CALIFORNIA LOCAL GOVERNMENT COMMISSION AND PAUL CRAWFORD OF CRAWFORD-MULTARI ASSOCIATES REGARDING RESULTS OF THE WEST SHAW AVENUE ACTIVITY CENTER LAND USE WORKSHOP HELD IN FRESNO MAY 2 AND 3, 2005

Planning Manager Unruh gave opening remarks and introduced Mr. Crawford who gave a PowerPoint presentation on a demonstration project that showed how mixed-use concepts could be applied to the city in areas identified by the general plan. Mr. Unruh advised Crawford-Multari was a highly regarded firm that has conducted massive comprehensive zoning code updates. Upon question of Councilmember Westerlund, Mr. Crawford stated the final report would be ready by the end of the month. There was no further discussion.

LUNCH RECESS - 11:58 A.M. - 1:32 P.M.

(10:15 A.M.) CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S ACTION ON APRIL 20, 2005, UPHOLDING THE PLANNING & DEVELOPMENT DIRECTOR'S ACTION APPROVING CONDITIONAL USE PERMIT (CUP) APPLICATION NO. C-04-261, FILED BY ELLEN OWENS, PMS ARCHITECTS, PROPOSING THE CONSTRUCTION OF A 50 SQUARE FOOT DRIVE-THROUGH PHARMACY KIOSK TO BE OPERATED IN CONJUNCTION WITH AN EXISTING SUPER DRUGSTORE ON THE NORTHEAST CORNER OF N. WEST AND W. HERNDON AVENUES (7096 N. WEST AVENUE)

Planner Pagoulatos gave an in-depth overview of the issue, all as contained in the staff report as submitted, and recommended the appeal be denied and the CUP be upheld.

Speaking to the issue were; Glen Holder, representing the appellant, Seven Hill Property 12, LLC, who spoke to reasons for the appeal and requested an environmental assessment be conducted for the revised project or An EIR to address the cumulative impactS of air emissions and traffic problems; and Attorney Mike DiGeronimo, representing Long's Drugs, who responded to Mr. Holder's comments, spoke to their kiosk project (**5 - 0**), and stated there was no basis for an appeal based on CEQA.

145-227

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Councilmember Calhoun spoke in support of staff's recommendation and gave his reasons therefor, advised he had a concern with Long's moving to a 24 hour operation in a residential neighborhood, and stated he wanted Long's to be a neighborhood-friendly operation and operate less than 24 hours. Ms. Pagoulatos and City Attorney Montoy spoke to the hours and what was allowed for in the conditional use permit, and Mr. DiGeronimo stated he would commit to not operating past 10:00 p.m. as they wanted to be good neighbors and added Long's would meet with neighbors on their concerns. Councilmember Calhoun made a motion to approve staff's recommendation.

Mr. Holder and Mr. DiGeronimo responded to questions of Councilmember Boyajian relative to whether a study was conducted on future expansion impacts, what Mr. Holder considered cumulative impacts, if a traffic study was conducted, if the kiosk bringing in less traffic was considered, and if Long's was saying there were no cumulative impacts.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental determination resulting in the issuance of a categorical exemption to the provisions of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Sections 15303, *New Construction or Conversion of Small Structures*, and 15305, *Minor Alterations in Land Use Limitations*, hereby approved, the appeal denied, and Conditional Use Permit Application No. C-04-261 hereby approved, subject to: (a) Development shall take place in accordance with Exhibit A (Site Plan and Elevations) dated April 29, 2005, and subject to the consent of the property owner of the adjacent property (APN 405-080-40), and (b) Development shall take place in accordance with Special Permit Conditions of Approval dated March 8, 2005, and related memoranda, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

(10:30 A.M. #1) HEARING TO CONSIDER AMENDING THE MASTER FEE SCHEDULE TO ESTABLISH IMPACT FEES FOR THE COPPER RIVER RANCH AREA

President Dages announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirn reviewed the issue as contained in the staff report as submitted and recommended approval.

Jeff Roberts, on behalf of Copper River Ranch, spoke in support of the fees and staff's recommendation.

Upon call, no one else wished to be heard and President Dages closed the public hearing.

Upon question of Councilmember Duncan, Mr. Kirn stated the fees would cover the full cost of infrastructure for the project. Councilmember Duncan thanked staff and the developer for their work on this issue and made a motion to approve staff's recommendation, which motion was seconded and later acted upon.

Mr. Kirn, City Attorney Montoy and Mr. Roberts responded to questions and/or comments of Councilmembers Westerlund and Boyajian relative to legal hearing and noticing for establishment of fees, if staff was comfortable with this action, if the project needs the fees to be in place before it can move forward, what Mr. Roberts' position was, if Mr. Roberts supported the structure and fees proposed, the EIR being truncated and not covering the whole area, if impacts for the entire area would be looked at, what type of studies would be conducted, and hope that an independent study would be conducted.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the initiation and establishment of Urban Growth Management (UGM) and other impact fees for the Copper River Ranch area hereby approved, and staff directed to develop any ordinances or other documents required and return to Council for future consideration, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(10:30 A.M. #2) CONSIDER BILL AMENDING THE FRESNO MUNICIPAL CODE RELATING TO THE TAXI CAB ORDINANCE

Transportation Director Rudd reviewed the issue as contained in the staff report as submitted and recommended Council provide guidance with regard to the list of recommended changes prior to drafting the amendments or revisions to the ordinance.

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George Aguilar, Taxi Azteca, spoke to concerns relative to requirement to consider taxi operators as employees and provide workers compensation coverage, contractor issues, and cab companies operating without an established business office.

Councilmember Calhoun stated this issue had a long history and spoke to the rate increase granted three years ago, the agreement of some cab companies that some regulation changes needed to be made to better serve the city **(6 - 0)**, and the long road it took to get to this point; thanked staff for all their work and all parties for working together; at his request Mr. Rudd responded to Mr. Aguilar's comments; spoke to some isolated bad experiences he has had with some cabs relative to cleanliness and vehicle running condition and in support of the recommendations made by staff; and made a motion to approve staff's recommendation.

Discussion ensued with Mr. Rudd, City Attorney Montoy and Mr. Aguilar responding to questions and comments of Councilmembers Boyajian, Westerlund, Sterling and Duncan relative to how restrictions can be placed on personal hygiene, difficulty of independents with older vehicles meeting requirements, who will pay for modifying driver permit requirements, graduated tax on vehicles, emissions, restricting sex offenders, Mr. Aguilar's workers compensation concern, need to address the condition/cleanliness of vehicles, request and encouragement to pursue the issue of sex offenders and any legal issues, how/where drivers will be trained, and if the city charges a business tax on Von's supermarket or its' employees. Councilmember Duncan stated Mr. Aguilar's concern about whether or not drivers are employees was a State issue and out of the city's hands but stated if the State determines that Mr. Aguilar's drivers are his employees the city should immediately stop assessing the business tax on each individual driver as they are employees just like Von's people are employees of Von's.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the staff-recommended amendments/revisions to applicable FMC sections outlined on Page 3 of the staff report hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(11:00 A.M.) DISCUSSION AND DETERMINATION OF PROPOSED BALLOT MEASURES TO AMEND THE CITY CHARTER - COUNCILMEMBER DUNCAN

(B) RESOLUTION - SUBMITTING A PROPOSED CHARTER AMENDMENT TO REPEAL CHARTER SECTION 1504 RELATING TO THE AUTOMATIC EXPANSION OF THE NUMBER OF COUNCILMEMBERS ON THE CITY COUNCIL

Councilmember Duncan gave an overview of the issue, all as contained in his report to the Mayor and Council as submitted, and made a motion to adopt the resolution, which motion was seconded by Councilmember Westerlund and subsequently withdrawn.

Discussion ensued. Councilmember Calhoun stated he had not seen any community concern/outcry on this matter, he saw this as a rush to judgment and felt the matter needed to be studied and discussed first, relative to the city council being a full-time position stated members are not paid accordingly **(7 - 0)** and elaborated, and stated this was premature and recommended a Charter committee be formed to study the matter. Planning & Development Director Yovino, Councilmember Duncan and City Attorney Montoy responded to questions of Councilmembers Westerlund, Sterling and Perea relative to the growth rate/when the city would reach a population of 540,000, process/mechanism for the new members coming on board, the census/how the population is determined, if this section was debated back in 1993, if Council's salary with 100,000 additional people had been considered, concurrence with the need for more public discussion including Council salaries, Council staffing needs if the amendment were to pass, and when the last day was to add something

on the ballot. Councilmember Westerlund recommended a one month delay to further inform the public, with Councilmember Duncan stating he was supportive of a one month delay if Council wanted to revisit this, stated his goal was not to "jam" this through, stated a motion to table was not necessary and he would withdraw his motion, and added he would reschedule the matter in one month. President Dages stated the fewer people on a committee the better and added one matter that had not been addressed was the cost for an election, with Councilmember Duncan clarifying he was recommending this be on the November ballot only if the State picks up 100% of the cost, and stated if it had to go on the June ballot the cost would be low as it would be spread out among all the people running for office. There was no further discussion.

(A) RESOLUTION - SUBMITTING A PROPOSED CHARTER AMENDMENT TO CITY ELECTORS AUTHORIZING THE MAYOR TO VETO AMENDMENTS TO THE GENERAL PLAN (WITH APPROPRIATE OVERRIDE ABILITY)

Councilmember Duncan gave an overview of the issue, all as contained in his report to the Mayor and Council as submitted, and made a motion to adopt the resolution.

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Discussion ensued. Councilmember Calhoun spoke in opposition stating the process was not broke and was working, the Mayor had a huge affect on the direction of planning as he appoints planning commissioners, the Mayor also had an indirect influence on staff through the city manager, and there was no public outcry on this issue and he did not see a problem. Councilmember Duncan stated the process was broken citing Operation Rezone and explained. Councilmember Sterling concurred with Councilmember Calhoun's comments and questioned why even have a city council if all the authority is given to the Mayor. Councilmember Perea questioned when Council last went against staff's recommendation (with Mr. Yovino responding) **(8 - 0)**, stated he was open-minded to both A & B but he needed time on this one to feel more comfortable, and relative to Operation Rezone stated that was driven by greed and corruption and he could not see that happening today. President Dages noted there was no second to the motion on the floor whereupon Councilmember Westerlund seconded the motion. City Manager Souza clarified the Mayor makes recommendations to the planning commission but it was the Council who says yes or no and that was a check and balance, and stated staff sees this matter as the same check and balance as the Mayor cannot not veto anything into existence and explained. Councilmember Westerlund spoke further to the issue and stated this to him was a check and balance. Councilmember Boyajian stated he could probably support B, he did not see this issue as a check and balance and added there were not a lot of check and balances, and stated Council did not realize the power it had and Council was not united and elaborated. President Dages again cited the election cost issue and the lack of citizen outcry and stated he could not support the motion.

A motion of Councilmember Duncan, seconded by Councilmember Westerlund, to adopt Resolution A failed, by the following vote:

Ayes :	Duncan, Westerlund
Noes :	Boyajian, Calhoun, Perea, Sterling, Dages
Absent :	None

(1:30 P.M.) CONTINUED HEARING ON FY 2006 CITY OF FRESNO BUDGET

FIRE DEPARTMENT	PLANNING AND DEVELOPMENT DEPARTMENT
GENERAL SERVICES DEPARTMENT	PARKS & RECREATION DEPARTMENT
PERSONNEL DEPARTMENT	TRANSPORTATION DEPARTMENT - FAX
INFORMATION SERVICES DEPARTMENT	ECONOMIC DEVELOPMENT DEPARTMENT
PUBLIC UTILITIES DEPARTMENT	GENERAL CITY PURPOSE
PUBLIC WORKS DEPARTMENT	CDBG
CONVENTION CENTER	REDEVELOPMENT AGENCY

Not held. The hearing was continued to Thursday, June 16, 2005, at 8:30 a.m.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Montoy announced in the matter of closed session Item "A" considered earlier, the Council voted to *not* initiate litigation on a vote of 7 to 0.

RECESS - 4:23 P.M. - 5:05 P.M.

(5:00 P.M.) TRIMESTER PLAN AMENDMENT HEARINGS

President Dages announced the time had arrived to consider the matter, opened the hearing, and advised Items "A" and "B" were continued in the morning session during "*APPROVE AGENDA*" to June 28, 2005, as requested.

Planning Manager Unruh introduced the matter and gave a PowerPoint presentation on land use analysis.

("C") CONSIDERATION OF PLAN AMENDMENT NO. A-04-28, REZONE APPLICATION NO. R-04-89 AND ENVIRONMENTAL FINDINGS, FILED BY DUNMORE HOMES, PROPERTY LOCATED NORTH AND WEST OF THE NORTHWEST CORNER OF . TEMPERANCE AND E. CLINTON AVENUES. THE PROJECT ALSO INCLUDES THE DETACHMENT OF THE PROPERTY FROM THE KINGS RIVER CONSERVATION DISTRICT AND THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND ANNEXATION TO THE CITY OF FRESNO FOR WHICH LAFCO IS THE RESPONSIBLE AGENCY (PROPERTY LOCATED IN DISTRICT 4)

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6/14/05

1. CONSIDER AND ADOPT E.A. NO. A-04-28/R-04-89/T-5424, DETERMINATION OF INITIAL STUDY TO FILE A MITIGATED NEGATIVE DECLARATION

2. RESOLUTION NO. 2005-219 - AMENDING THE FRESNO GENERAL PLAN AND McLANE COMMUNITY PLAN

3a. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-20 TO R-1/EA/UGM (*APPLICANT REQUEST AND PLANNING COMMISSION RECOMMENDATION*)

3b. BILL NO. B-61 - ORDINANCE NO. 2005-63 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-20 TO R-1/EA/UGM AND R-1-A/EA/UGM (*STAFF RECOMMENDATION*)

Planner Rodriguez gave a PowerPoint presentation on the issue, all as contained in the staff report as submitted, and recommended approval.

Speaking to the issue were: Joe Guagliardo, representing the applicant, who spoke further to the project and requested Council approve the applicant/planning commission recommendation; and Rita Nitchske, 6737 E. Clinton, who expressed concern and questioned what the fiscal impact would be on property owners with the infrastructure improvements.

Upon call, no one else wished to be heard and President Dages closed public testimony.

Councilmember Westerlund stated the project was troubling to him and explained, stated the general plan was a social contract and compelling reasons were needed to change it, and made a motion to deny the project. **(9 - 0)** The motion was seconded by Councilmember Boyajian who stated a master EIR was needed to know the impacts of all projects in the area and elaborated.

Planning & Development Director Yovino and Mr. Guagliardo responded to questions and/or comments of Councilmembers Calhoun, Perea, Westerlund and Duncan and/or clarified issues relative to staff's reason for their recommendation, if there was room for future negotiation between staff and the applicant, how this was consistent with the general plan, Mr. Guagliardo addressing Mr. Yovino's comments and clarifying issues relative to reduced densities on the inside and the buffer being provided, and if all general plan amendments were being looked at together. Councilmember Duncan stated the process was working well, he appreciated concerns raised but he was looking at the bigger picture and how this project fit in with all the others, and stated if this motion fails he would make a motion to approve staff's recommendation. Mr. Yovino stated he accepted the applicant's statement that interior lots were reduced and explained. Councilmember Duncan added he strongly disagreed with Mr. Guagliardo's statement that the general plan was a snapshot and stated the general plan was a significant, important document and a guideline on how the city is going to grow.

A motion of Councilmember Westerlund, seconded by Councilmember Boyajian, to deny the project failed, by the following vote:

Ayes :	Boyajian, Westerlund
Noes :	Calhoun, Duncan, Perea, Sterling, Dages
Absent :	None

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the environmental finding

of a mitigated negative declaration for E.A. No. A-04-28-R-04-89/T-5424 dated May 4, 2005, hereby approved, the above entitled Resolution No. 2005-219 (staff recommendation) hereby adopted, and the above entitled Bill No. B-63 rezoning the subject property adopted as Ordinance No. 2005-63, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Dages
 Noes : Boyajian, Westerlund
 Absent : None

("D") CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-04-29 AND ENVIRONMENTAL FINDINGS, FILED BY CITY OF FRESNO, PLANNING AND DEVELOPMENT DEPARTMENT, PERTAINING TO APPROXIMATELY 3 SQUARE MILES OF PROPERTY LOCATED IN THE TOWER DISTRICT SPECIFIC PLAN AREA BOUNDED ON THE NORTH BY E. SHIELDS (BETWEEN N. FRUIT AND N. MAROA) AND E. CLINTON (BETWEEN N. MAROA AND N. BLACKSTONE); BOUNDED ON THE SOUTH BY STATE ROUTE 180, THE UNION PACIFIC RAILROAD, AND N. WEBER AVENUE (BETWEEN N. BLACKSTONE AND N. FRUIT AVENUES; BOUNDED ON THE EAST BY N. BLACKSTONE (BETWEEN E. CLINTON AND STATE ROUTE 180) AND N. MAROA (BETWEEN E. SHIELDS AND E. CLINTON); AND BOUNDED ON THE WEST BY N. FRUIT (BETWEEN E. SHIELDS AND N. WEBER AVENUES) - PROPERTY LOCATED IN COUNCIL DISTRICTS 1, 3 AND 7

1. CONSIDER AND ADOPT E.A. NO. A-04-29, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMANCE WITH MEIR NO. 10130 FOR THE 2025 FRESNO GENERAL PLAN

145-231

6/14/05

2. **BILL NO. B-62 - ORDINANCE NO. 2005-64** - AMENDING THE TOWER DISTRICT SPECIFIC PLAN FOR THE ABOVE-DESCRIBED AREA BY PROMULGATING TOWER DISTRICT SPECIFIC PLAN DESIGN GUIDELINES AS CALLED FOR IN THE IMPLEMENTATION PLAN OF THE TOWER DISTRICT SPECIFIC PLAN

Planner Pagoulatos gave a lengthy PowerPoint presentation on the issue, all as contained in the staff report as submitted, and recommended approval.

Speaking in support of the issue were: Mike Clifton, 727 E. Dennett, Chair of the Tower District Design Review Committee; Bill Kuebler, 1269 N. Lucerne, Chair of the Tower District Specific Plan Implementation Committee and Director of the Tower District Marketing Committee; Paul Pierce, Tower District resident and worker; and James Doan, Pacific Grove, CA, Tower District commercial property owner.

Upon call, no one else wished to be heard and President Dages closed public testimony.

Councilmember Boyajian commended all involved, presented questions relative to the appeal and alley closure processes (with Planning & Development Director Yovino and City Attorney Montoy responding), and made a motion to approve staff recommendation. The motion was seconded by Councilmember Sterling who thanked all involved and spoke to how she got involved in the process (**10 - 0**). Councilmember Calhoun concurred with the accolades given, stated he wanted to make sure the Tower District continues to be financially business viable and not just serve residential, and spoke to the issue of boarded up buildings and businesses that have closed. Councilmember Duncan complimented all who worked on the guidelines and stated he was excited for the future of the Tower District, and Councilmember Boyajian briefly addressed Councilmember Calhoun's comments and thanked Council for their support.

On motion of Councilmember Boyajian, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the environmental finding for E.A. No. A-04-29 dated May 4, 2005, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-62 amending approximately 3 square miles of the General Plan, the Fresno High-Roeding Community Plan and the Tower District Specific Plan by adopting Design Guidelines as called for in the policies of the Tower District Specific Plan adopted as Ordinance No. 2005-64, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

("E") CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-04-34, REZONE APPLICATION NO. R-04-109 AND ENVIRONMENTAL FINDINGS, FILED BY DAVID STORER, ON BEHALF OF CONTOUR DEVELOPMENT, PERTAINING TO APPROXIMATELY 60 ACRES OF PROPERTY LOCATED SOUTH OF W. HERNDON, NORTH OF W. SIERRA, EAST OF THE SOUTHERN PACIFIC RAILROAD RIGHT-OF-WAY AND WEST OF N. BRYAN AVENUE IN COUNCIL DISTRICT 2

1. CONSIDER AND ADOPT E.A. NO. A-04-34, R-04-109, DETERMINATION OF INITIAL STUDY TO FILE A MITIGATED

NEGATIVE DECLARATION

2. RESOLUTION NO. 2005-220 - DENYING AMENDMENT TO THE 2025 FRESNO GENERAL PLAN AND BULLARD COMMUNITY PLAN FROM THE LIGHT INDUSTRIAL LAND USE DESIGNATION TO THE LIGHT INDUSTRIAL, NEIGHBORHOOD COMMERCIAL, MEDIUM-HIGH DENSITY RESIDENTIAL AND OPEN SPACE LAND USE DESIGNATIONS (Staff recommendation)

Planning Manager Unruh gave an in-depth PowerPoint presentation on the issue, all as contained in the staff report as submitted, and recommended the project be denied.

Speaking to the issue were: Carrie Pourvahidi, California High Speed Rail Authority, Tom Maley, Fresno Area Residents for Rail Consolidation, and Steve Newvine, Chamber of Commerce, all in support of staff's recommendation /opposed to the plan amendment and rezone; and Ruth Ann Deetz and David Storer, representing the property owners, support for the plan amendment and rezone.

Upon call, no one else wished to be heard and President Dages closed public testimony.

Councilmember Calhoun stated this would be a major plan amendment, the property had been designated industrial for years and was in the general plan as industrial, stressed job growth was a critical issue and a priority to the City, spoke to other concerns expressed, i.e. community opposition, rail consolidation, and the school issue (**11 - 0**), and made a motion to approve staff's recommendation to deny the project. President Dages left at 7:07 p.m. during Councilmember Calhoun's comments and was absent for the remainder of the meeting.

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On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for E.A. No. A-04-34/R-04109 dated May 4, 2005 considered; the above entitled Resolution No. 2005-220 denying Plan Amendment Application No. A-04-34 hereby adopted, and Rezone Application No. R-04-109 rezoning the subject property denied, by the following vote:

Ayes :	Boyajian, Calhoun, Perea, Sterling, Westerlund, Duncan
Noes :	None
Absent :	Dages

("F") CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-04-35, REZONE APPLICATION NO. R-04-110, AND ENVIRONMENTAL FINDINGS, FILED BY CENTRES SOUTHWEST, PROPERTY LOCATED ON THE EAST SIDE OF N. BRAWLEY IMMEDIATELY NORTH OF W. CLINTON AVENUE. THIS PROJECT ALSO INCLUDES THE DETACHMENT OF THE SUBJECT SITE FROM THE KINGS RIVER CONSERVATION DISTRICT AND THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND ANNEXATION TO THE CITY OF FRESNO FOR WHICH LAFCO IS THE RESPONSIBLE AGENCY (PROPERTY LOCATED IN DISTRICT 3)

1. APPROVE ENVIRONMENTAL ASSESSMENT NO. A-04-35, R-04-110, C-04-340, DETERMINATION OF INITIAL STUDY TO FILE A MITIGATED NEGATIVE DECLARATION

2. RESOLUTION NO. 2005-221 - AMENDING THE 2025 FRESNO GENERAL PLAN AND WEST AREA COMMUNITY PLAN

3. BILL NO. B-63 - ORDINANCE NO. 2005-65 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-R (COUNTY) TO C-1/UGM/cz

Acting President Duncan announced the time had arrived to consider the issue and opened the hearing. Councilmember Sterling stated the area was in dire need of commercial development and she was excited about the project, and made a motion to approve staff's recommendation.

Upon call, no one wished to be heard and Acting President Duncan closed the public hearing.

Upon question, an unidentified staff member advised staff's report as submitted was complete and there was nothing to add. Councilmembers Perea and Boyajian spoke briefly in support and Councilmember Sterling commended the developer for meeting with her and the schools stating this was truly a neighborhood project.

On motion of Councilmember Sterling, seconded by Councilmember Boyajian, duly carried, RESOLVED, the environmental finding of a mitigated negative declaration for E.A. No. A-04-35/R-04-110/C-04-340 dated May 4, 2005 hereby approved, the above entitled Resolution No. 2005-221 hereby adopted, and the above entitled Bill No. B-63 rezoning the subject property adopted as Ordinance No. 2005-65, *subject to the condition of zoning that requires the northern most parcel of the subject site to be developed with*

an office use (as described by the ordinance bill), by the following vote:

Ayes : Boyajian, Calhoun, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : Dages

ADJOURNMENT

There being no further business to bring before the Council, the hour of 7:18 p.m. having arrived and hearing no objections, Acting President Duncan declared the meeting adjourned.

APPROVED on the __21st____day of _____June_____, 2005.

_____/s/_____
ATTEST:_____/s/_____

Jerry Duncan, Acting Council President

Yolanda Salazar, Assistant City Clerk

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